

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

OLIVER BATTLE, JR. #515410

V.

DOUG DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONS
INSTITUTIONS DIVISION

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CIVIL ACTION NO. G-05-465


ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the Magistrate Judge, entered on October 5, 2005, which recommends that the Application for Writ of Habeas Corpus of Oliver Battle, Jr. be dismissed. The Report and Recommendation specifically states: "The Petitioner shall have until October 21, 2005, in which to have written objections physically on file in the Office of the Clerk." To date, no objections have been filed.

Upon review pursuant to Rule 72 of the Federal Rules of Civil Procedure, and 28 U.S.C. § 636 (b)(1)(C), the Court is satisfied that there is no clear error on the face of the record in these proceedings and that the Report and Recommendation is a well reasoned and correct application of federal law, which is **ACCEPTED** by this Court and incorporated herein, by reference.

It is, therefore, **ORDERED** that the Application for Writ of Habeas Corpus of Oliver Battle, Jr. is **DENIED** and this cause is **DISMISSED** with prejudice.

DONE at Galveston, Texas, this the 2nd day of November, 2005.



Samuel B. Kent
United States District Judge